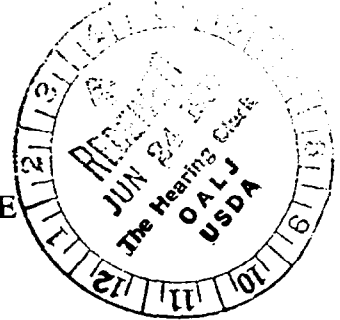


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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) P. & S. Docket No. D-97-15  
)  
Kiran Enterprises, Inc. t/a )  
Trenton Halal Meat Packing Company )  
and Mohammad S. Malik, )  
)  
Respondent ) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), by a Complaint and Notice of Hearing filed by the Acting Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the respondents wilfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondents admit the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Kiran Enterprises, Inc. t/a Trenton Halal Meat Packing Company, hereinafter referred to as the corporate respondent, is a corporation incorporated and doing business in the State of New Jersey, and whose mailing address is 610 Roebling Avenue, Trenton, NJ 08611.
2. The corporate respondent is, and at all times material herein was:
  - (a) Engaged in the business of buying livestock in commerce for purposes of slaughter; and
  - (b) A packer within the meaning of and subject to the provisions of the Act.
3. Mohammad S. Malik, hereinafter referred to as the individual respondent, is an individual whose mailing address is 409 S. Clinton Ave., Trenton, NJ 08609.
4. The individual respondent is, and at all times material herein was:
  - (a) President of the corporate respondent;
  - (b) Sole owner of the corporate respondent;
  - (c) Responsible for the management, direction and control of the corporate respondent; and
  - (d) A packer within the meaning of and subject to the provisions of the Act.
5. Individual respondent, Mohammad S. Malik, is the alter ego of the corporate respondent, Kiran Enterprises, Inc.
6. On July 11, 1996, the respondents were notified by regular mail that respondents' \$10,000 surety bond maintained to secure the performance of their livestock obligations under the Act must be increased to \$30,000 by reason of the increase in corporate respondent's average annual livestock purchases. Respondents were further notified of the required bond increase by

certified letters of September 12, 1996 and November 14, 1996. Notwithstanding such notices, respondents continued to engage in the business of a packer buying livestock in commerce for slaughter without maintaining an adequate bond or its equivalent until May 14, 1997, when the required bond increase was obtained.

### Conclusions

Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

### Order

Respondent Kiran Enterprises, Inc., its officers, directors, agents and employees, successors and assigns, directly or indirectly through any corporate or other device, and respondent Mohammad S. Malik, his agents and employees, directly or indirectly through any corporate or other device, in connection with his operations subject to the Packers and Stockyards Act, shall cease and desist from engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act, as amended and supplemented, and the regulations, without filing and maintaining an adequate bond or its equivalent, as required by the Act and the regulations.

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), respondents are jointly and severally assessed a civil penalty in the amount of Eight Hundred and Fifty Dollars (\$850).

This order shall have the same force and effect as if entered after full hearing and shall be effective on the first day after service of this decision on the respondents.

Copies of this decision shall be served upon the parties.

KIRAN ENTERPRISES, INC.

By \_\_\_\_\_

President  
Title

Malik S. Malik  
MOHAMMAD S. MALIK

Mary Hobbie  
MARY HOBBIIE  
Attorney for Complainant

Issued this 24th day of June 1997

James Hunt  
Administrative Law Judge